IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15360 of 2005

Between:

1 Gudia Hari Gupta, S/o. Late Satyanarayana,
Mainroad, R/o. dGummalazmipuram, Vizinagarm

District.
2 Gudla Venkata Rao, S/o. Satyanarayana,
R/o. Gummalazmipuram, Vizianagaram District.
3 Gudla Srinivasa Rao, S/o. Late Satyanarayana,
R/o. Gummalaxmipuram, Vizianagaram District.

..... PETITIONERS

AND

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The District Collector, Vizianagaram District,

Vizianagaram.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, particularly a writ in the nature of Mandamus, declaring the order of the respondent D.Dis.No.1349/2005 F3, dt.25-5-2005 as illegal and arbitrary and consequently direct the respondent to receive the appeal against order D.Dis.No.1349/2005 F3, dt.25.5.2005 enclosing original copies of the order appealed against and dispose of the same in accordance with law.

Counsel for the Petitioner: MR.K.V.SUBRAMANYA NARASU

Counsel for the Respondent: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

This writ petition is filed by the petitioners aggrieved by the action of the respondent in not admitting the appeal on the ground that the appeal filed by the petitioners was not accompanied by the original or certified copies of the order, which is assailed in the appeal.

The learned counsel for the petitioners contended that they have filed Xerox copies of the impugned order, but, however, could not filed the certified copies as they were not immediately available. It is further contended that the respondent instead of giving an opportunity to the petitioners to represent the appeal along with the certified copies, rejected the appeal as not admitted. Therefore, the impugned order is illegal and unsustainable.

Heard the learned counsel for the petitioner and learned Government Pleader for Social Welfare.

As the appeal said to have not been admitted on the ground that the appeal filed by the petitioners was not accompanied by the original or certified copies of the impugned order, the appellate authority - the respondent herein, ought to have returned the appeal papers instead of entertaining the appeal on the ground of defective presentation of the appeal, but acted upon and stated that the appeal is not admitted.

Under the above circumstances, the impugned order is set aside and the respondent is directed to return the appeal papers within one week from the date of receipt of a copy this order with a direction to present the appeal along with certified copies of the order, which is impugned in the appeal. The appeal papers along with certified copies are directed to be presented before the respondent within a period of two weeks from the date of return. On such representation, the appellate authority is directed to entertain and pass appropriate orders.

The Writ Petition is accordingly disposed of at the admission stage. No costs.

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S. Ananda Reddy, J.

15th July, 2005

Note: CC by Monday

B/o.

Js.

To

1 The District Collector, Vizianagaram District,

Vizianagaram.

2 Two CCs to G.P. for Social Welfare, High Court Buildings,

Hyderabad.

3 2 CD copies.